

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
The Authors Guild, Inc., *et al.*, :
Plaintiffs, : Case No. 05 CV 8136-DC
vs. :
Google, Inc., : NOTICE OF INTENT TO
Defendant. : APPEAR BY
: AMAZON.COM, INC.
-----x
Filed Electronically

TO THE CLERK OF THIS COURT AND ALL PARTIES OF RECORD:

Please take notice that Amazon.com, Inc. (“Amazon”), a member of the plaintiff class, intends to appear at the fairness hearing on February 18, 2010 at 10:00 AM to object to the Proposed Amended Settlement. Amazon will appear through its attorneys David A. Zapolsky, David Nimmer, and Alexander F. Wiles. Mr. Zapolsky is admitted to practice before this Court. Mr. Nimmer and Mr. Wiles have been admitted to practice *pro hac vice* (Dkt. Nos. 228, 229).

In addition to being a rightsholder, Amazon has the unique perspective of having engaged in a similar book-scanning project, the major distinction being that Amazon obtains permission from rightsholders before scanning copyrighted works. Amazon wishes to address: (1) the Court’s inability to approve the Proposed Amended Settlement under Federal Rule of Civil Procedure 23; (2) the Proposed Amended Settlement’s anticompetitive aspects under the antitrust laws; and (3) the Proposed Amended Settlement’s circumvention of Congress’s exclusive power to amend the copyright statute and its violation of copyright law. Amazon addressed these issues in its objections to the original proposed settlement and the amended one (Dkt. Nos. 206, 207, and 823), and in its Memorandum of Law in support of Amazon.com, Inc.’s Motion for Reconsideration of Order Granting Preliminary Approval of Amended Settlement Agreement (Dkt. No. 775).

Pursuant to this Court’s September 8, 2009 Order with regard to the previously scheduled Fairness Hearing (Dkt. No. 716), a copy of this Notice is also being emailed to googlebookcase@nysd.uscourts.gov.

Dated: February 2, 2010

Respectfully submitted,

IRELL & MANELLA LLP

By: s/ Alexander F. Wiles
Alexander F. Wiles
(CA State Bar No. 73596)
(Pro Hac Vice)

David Nimmer
(CA State Bar No. 97170)
(Pro Hac Vice)

IRELL & MANELLA LLP
1800 Avenue of the Stars
Suite 900
Los Angeles, California 90067-4276
Telephone: (310) 277-1010
Facsimile: (310) 203-7199
awiles@irell.com
dnimmer@irell.com

Counsel for Objector Amazon.com, Inc.

AMAZON.COM, INC.

David A. Zapolsky, Esq. (DZ-8058)
Vice President & Associate General Counsel
Litigation & Regulatory Affairs
1200 12th Avenue South
Suite 1200
Seattle, Washington 98144
Telephone: (206) 266-1323
Facsimile: (206) 266-7010
davidz@amazon.com